

The Honorable Richard A. Jones
The Honorable S. Kate Vaughan

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ADAM BAUER, et al.,

Plaintiff,

v.

MAILROOM PERSONNEL, et al.,

Defendants.

Case No. C21-0453-RAJ-SKV

STIPULATED MOTION AND
~~PROPOSED~~ ORDER
VACATING CURRENT CASE
SCHEDULE AND SETTING NEW
CASE SCHEDULE

Note on Motion Calendar:
February 25, 2022

I. STIPULATED MOTION

Pursuant to LCR 7(d)(1) and LCR 10(g), the parties respectfully submit this stipulated motion to vacate the existing deadlines and case schedule and to set new deadlines and a new case schedule as detailed in this stipulated motion. In support of this stipulated motion, the parties state as follows:

1. On February 24, 2022, the parties met and conferred regarding Defendants' responses to Plaintiffs' discovery requests. In light this meet and confer, as well as earlier letter correspondence, Defendants are searching for and plan to make a supplemental production of documents to Plaintiffs. Subject to the Court's approval, the parties have agreed to allow for additional time for the production of additional documents by Defendants and for the adequate review of such documents by Plaintiffs.

2. Circumstances outside of the parties' control have created unexpected discovery delays, as well as delays in communication between counsel and clients.

STIPULATED MOTION AND ~~PROPOSED~~ ORDER RE
CASE SCHEDULE
(C21-0453-RAJ-SKV) - 1

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3. There has been a recent surge in cases of COVID-19 in Department of Corrections (“DOC”) prisons over the past two months related to the rapid spread of the Omicron variant of the virus that causes COVID-19.

4. Due to an urgent increase in staffing needs to address the added strain caused by this surge, DOC staff have been unable to dedicate the personnel and resources necessary to adequately respond to Plaintiffs’ discovery requests.

5. This same surge has created unexpected delays in communication between Plaintiffs and Plaintiffs’ counsel. Those Plaintiffs who are incarcerated have had limited access to telephones with which they can call Plaintiffs’ counsel to communicate regarding the discovery process.

6. The parties have also initiated discussion over a possible compromise or settlement, which requires further communications between counsel and clients, which has also been delayed by the exigencies faced by the DOC and the Plaintiffs’ limited communication opportunities with their counsel.

7. In light of these circumstances, the parties agree that the current deadlines and case schedule should be reset.

8. The parties therefore respectfully stipulate to and respectfully request that the Court vacate the existing deadlines and case schedule and enter the following deadlines and case schedule for motions related to discovery, closure of discovery, and dispositive motions. This is the first request for modification of deadlines or the case schedule.

EVENT	CURRENT DATE	PROPOSED DATE
All motions related to discovery must be filed by this date and noted for consideration no later than the third Friday thereafter (<i>see</i> LCR 7(d) or LCR 37(a)(2))	3/3/2022	04/14/2022
Discovery to be completed by	4/1/2022	05/13/2022

EVENT	CURRENT DATE	PROPOSED DATE
All dispositive motions must be filed by this date and noted for consideration no later than the fourth Friday thereafter (<i>see</i> LCR 7(d))	5/2/2022	6/13/2022

TRIAL DATE

9. The operative scheduling order states that “[a] trial date will be set by the assigned District Judge, the Honorable Richard A. Jones, if the case is not resolved by settlement.” (Dkt. 13 at 2.) The parties agree, and respectfully request the Court, to continue this provision in effect.

DATED this 25th day of March, 2022.

Davis Wright Tremaine LLP
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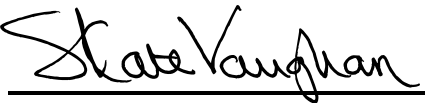
1 **II. ~~PROPOSED~~ ORDER**

2 The Court has considered the parties' stipulation, and for good cause shown, the Court
3 approves the parties' stipulation and Orders as follows:

- 4 1. The current case schedule is vacated;
5 2. The Court adopts the case schedule as set forth in the parties' stipulation.

6 IT IS SO ORDERED.

7 DATED this 1st day of March, 2022.

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11 S. KATE VAUGHAN
12 United States Magistrate Judge
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